REMARKS

UPON THE

CONDUCT

OF THE

RESPECTIVE GOVERNMENTS

OF

GREAT BRITAIN

AND

FRANCE,

IN THE LATE

NEGOTIATIONS FOR PEACE.

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REMARKS,

&c.

THE conduct of the executive government of France, in abruptly diſmiſſing from Paris his Majeſty's ambaſſador, who had been inveſted with credentials for the purpoſe of opening a negotiation, by means of which the ſubſiſting cauſes of difference between the two nations might be put into a train of fair and amicable diſcuſſion, has been to moſt people matter of ſerious regret, of ſurpriſe, and of indignation.

It has been matter of regret to thoſe who anxiouſly looked forward to the opening, which the miſſion of Lord Malmeſbury effected between the two governments, as productive of the reſtoration of the bleſſings of peace, through which alone the commercial advantages of Great Britain can find a free ſcope and unfettered operation. To this ſenſation alſo have been neceſſarily added thoſe which reſult from the impulſe of diſappointment; when that diſappointment defeats the hopes of rational expectation, and when it is aggravated, on the part of our adverſaries, by circumſtances of contumely and ſcorn. However unpromiſing in its beginning the negotiation ſeemed to be rendered by the indecent language and injurious ſuſpicions of the French government, by their unwillingneſs to admit the propoſed principle of mutual conceſſion, or to pro-

poſe any other practicable baſis of treating, yet there were not wanting many who ſtill indulged hopes favourable to the ultimate iſſue of the buſineſs. There were thoſe who regarded this offenſive behaviour and obſtinate reluctance as effuſions only of that ſpleen and ill-will which the French rulers profeſſedly bear to Great Britain, or as the effect of an imaginary ſuperiority, which they might conceive was conceded to them by the overtures of peace coming from their enemies. Attributing this unfavourable conduct to cauſes of a temporary nature only, the friends of peace in this country, therefore, thought that ſuch contemptible motives, on the part of the Executive Directory, would infallibly be ſuperſeded in the end by the more permanent principles of public policy, or the more preſſing exigencies of public neceſſity. They conceived that, whatever might be the perſonal inclinations or views of the members of the French government, with reſpect to this country, ſuch inclinations and views would yield to thoſe which they might be ſuppoſed to entertain with reſpect to their own. *The grievous diſtreſſes of France, ariſing partly from the long duration of civil confuſion, and partly from the heavy burdens of a complicated warfare, extending not merely to the public means of carrying on hoſtilities, but operating, to a degree perhaps unprecedented in civiliſed ſociety, on the comforts and conveniences of private life, the poſſibility of a reverſe of fortune on the continent, ſo recently, in ſome meaſure, held forth to obſervation by the diſaſtrous flight of Jourdan and Moreau from the banks of the Danube; and, above all, the loud and anxious wiſhes of the people of France for a reſtoration of tranquillity on juſt and moderate terms: theſe conſiderations, it was not without an appearance

* See the meſſage of the Executive Directory to the Council of Five Hundred, dated 20th of Frimaire, or Dec. 10, 1796.

of

of reaſon ſuppoſed, would weigh ſo ſtrongly with the Directory, as ultimately to enſure to the propoſals of Great Britain a due conſideration and favourable iſſue.

This expectation, moderate and probable as it then appeared to be, has, however, been diſappointed. One deciſive meaſure on the part of the Executive Directory has cruſhed all our hopes and falſified all our reaſonings. At the ſame time the extraordinary manner in which it was carried into execution, is not without its advantages. It is of ſervice, in unfolding to us the diſpoſition of mind with which the rulers of France have been uniformly actuated. It tends to aſcertain, in the queſtion of inſincerity, which ſome have affected to make as of uncertain applicability on the late occaſions of pacific advances, to which government that charge is moſt juſtly due. And in proportion as it fixes on France the reproach of a wanton and unjuſtifiable rupture of the negotiation, it confirms the repeated aſſurances of a conciliatory diſpoſition, which, throughout the preſent conteſt, his Majeſty's miniſters have conſtantly affirmed, and, as far as circumſtances would permit them, faithfully fulfilled.

But this meaſure, it ſhould be obſerved, is only ſo far beneficial as it puts beyond poſſibility of cavil and ſuſpicion, by thoſe whom prejudice and intereſt may miſlead, the motives which have reſpectively influenced the governments of Great Britain and France. The circumſtances themſelves are too ſtrong to admit of doubt with the fair and unbiaſſed. However the increaſing neceſſities of France may have induced the friends of peace in this country to hope, that the unfavourable ſymptoms in the anterior proceedings of the Executive Directory would in the end have been conquered by a due ſenſe of thoſe neceſſities, and a deſire to relieve them, yet the proceedings, conſidered by themſelves, are ſufficiently

ciently explicit. The diſmiſſal of Lord Malmeſbury only adds certainty to probability, and conviction to belief.

The preſent war is diſtinguiſhable from others in which this country has been engaged, not only by the ſuperior magnitude of the objects for which we have been contending, but by the change of circumſtances under which the enemy has ſucceſſively appeared. It is a circumſtance never to be forgotten, that the danger with which the conſtitution of this country was menaced by the revolutionary aggreſſions of France, in the latter end of the year 1792, was one of the main cauſes by which the tranquillity ſubſiſting between the two countries was interrupted. Of thoſe aggreſſions, the chief and principal, as more immediately affecting this country, were the adoption of the decree of the 19th of November, the encouragement openly given to the diſaffected miſſionaries of private ſocieties at the bar of the National Convention, and the ſentiments of enmity towards the conſtituted eſtabliſhments of Great Britain, officially avowed by the leading members of the French government. The ſubordinate acts of provocation, although of themſelves conſtituting a ſtronger ground of offence than perhaps has in moſt anterior caſes given a ſanction to the commencement of hoſtilities between the two nations, were nevertheleſs capable of being effectually redreſſed by the ordinary proceſs of negotiation. They were ſolitary and independent in their nature, not proceeding from any general principles, or depending upon any fixed ſyſtem. Of a different deſcription were the more ſerious cauſes of diſpute. They derived their origin, their ſupport, and their fullneſs, from the prevailing order of things at that time in France. It was the deſperate and wicked ſpirit of Jacobiniſm which originated all their meaſures, which upheld them through their primitive weakneſs, and nouriſhed them to a pernicious maturity. Explained though they might have been,

for temporary purpoſes, by prevarication and ſubterfuge; nay, though they might have been, in the hurry of ſubmiſſion or the craftineſs of hypocriſy, recalled or diſavowed entirely, yet what ſecurity for a permanent immunity from moleſtation and diſquietude could Great Britain poſſeſs, while the ſame miſerable perverſion of the heart and underſtanding, from which alone ſprung the original grounds of complaint, flouriſhed in an unnatural manhood of vigour and activity?

It was, I believe, from an impreſſion of this kind, that his Majeſty's miniſters declined to reſt the tranquillity and happineſs of Great Britain on the uncertain iſſue of a peace during the three firſt years of the war. There were opportunities in that period undoubtedly, in which the ſecondary cauſes of hoſtility might perhaps have been done away under honourable and advantageous terms of adjuſtment. Had the preſent been a mere war of offenſive aggreſſion on our part, pointing only to an extenſion of a right of fiſhery, or the acquiſition of an iſland, miniſters would have been culpable indeed, if they had not availed themſelves of the time when thoſe objects had the moſt probable chance of being attained. But at the ſeaſon when the French laboured moſt under the preſſure of defeat, when Valenciennes and Conde were in the hands of the allies, the ſame objectionable ſyſtem of things, as in the outſet of the conteſt, ſubſiſted in France, inſpired with the ſame ſpirit of animoſity to the eſtabliſhed authorities of this country. Though we might therefore have redreſſed our inferiour grievances in the ſummer of 1793, yet a pacification would have left us in the ſame ſtate of inſecurity as to the more important objects of our zeal. So furious at that time were the internal politics of France, and ſo rapid the ſucceſſion of her rulers, that no poſitive certainty of freedom from new attacks could be gathered, either from the ſituation of the country itſelf, or the perſonal promiſes of the

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governing powers. We knew not but that at the very moment after a treaty had been exchanged, another ſignal for inſurrection in all countries might not have been hoiſted by another conventional decree, and another anticipation by their preſident of a National Convention in England been ordered to be tranſlated into all languages, and circulated through all their departments.*

It is unneceſſary to ſtate, that this inſuperable bar to the opening of a negotiation, ariſing from the incompetency of France to maintain the accuſtomed relations of peace and amity, continued until the eſtabliſhment of a conſtitutional government in that country. It is well known, that after the wild † and fanatical principles, which declared a war of extermination againſt all exiſting conſtitutions, and provoked the conteſt with Great Britain, had plunged the French nation into the moſt unheard-of calamities, and had ſubjected them to the moſt deſpotical tyranny which ever ſcourged a people, at length the moſt obnoxious of thoſe principles were renounced, and the foundations of a government, which promiſed ſome firmneſs and reſponſibility, laid on the diſſolution of the Jacobin ſyſtem.‡ It was at this period, and not before, that the new order of things in France was recogniſed by foreign ſtates in amity with

* See decree of the 19th of November, 1792, and the anſwer of the preſident of the Convention to the addreſs of the Conſtitutional Society, on the 28th of November, 1792, and the unanimous proceedings of the Aſſembly thereon.

† See decree of the 15th of December, 1792, and particularly the eleventh article thereof.

‡ The new conſtitution denies the Jacobin doctrine of an equality of property; is ſevere againſt clubs, public harangues, debates, correſpondencies, and affiliations; aboliſhes univerſal ſuffrage, and annual legiſlatures; forbids all factious aſſemblages of the people, in direct contradiction to the *ſacred right of inſurrection*; and diſclaims any privilege of interfering, for the purpoſes mentioned in the obnoxious decrees of the Convention, with the internal government of other countries.

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her* ; and it was immediately on the accompliſhment of this happy change, that his Majeſty's miniſters no longer teſtified a reluctance to rely on the conſequences of a pacific accommodation.

Animated therefore with a ſincere deſire of reſtoring the bleſſings of peace, as ſoon as that reſtoration appeared to be practicable in the firſt inſtance, and promiſed to be laſting in its effects, the Engliſh miniſtry, in the ſpring of the late year, addreſſed themſelves, through the intervention of his Majeſty's envoy in Switzerland, to the Executive Directory, for the purpoſe of opening a channel, through which the ſubſiſting differences might be amicably adjuſted. The application was made to aſcertain the diſpoſitions of France, as to the chief point of ſetting on foot a negotiation, as to the mode in which it ſhould be accompliſhed, and the foundations on which it ſhould be grounded. To this overture, which was intended not as the beginning of any actual treating, but as a preliminary inquiry into the points neceſſary to be known before any thing was inſtituted on the ſubject, was returned an anſwer not more prepoſterous in the principles which it aſſerted, than offenſive in the language in which it was conveyed. It affected, in terms the moſt diſdainful and injurious, to queſtion the ſincerity with which the application was made, to reproach his Majeſty with having been ignorant of the real intereſts of his ſubjects, and having been inſtrumental in cutting off from them the ſources of their abundance and proſperity. Language ſuch as this might ſurely have been ſpared, however well founded might have been their diſtruſt, or however juſt their accuſation. Policy would dictate, on ſuch an occaſion, the propriety of permitting inſincerity to ſhew itſelf in the event rather than of ſtifling it in its birth ; and of refraining at leaſt from irritating ex-

* It was not until the eſtabliſhment of the new conſtitution, that the Daniſh court acknowledged the French Republic.

preſſions, when an accommodating turn of mind was to be aſſumed. On every occaſion, in which contending nations in modern times have expreſſed a deſire of returning into amity with each other, the exacerbations of conflict have been ſoftened into an appearance at leaſt of mutual civility and reſpect. Each people has come forward, from the reſpective diſtances at which they were ſeparated, to a nearer approach, until at length their hands have been joined in fellowſhip and good will. The cauſes of original difference, the provocations which each may have received, and the injuries which each may inflicted, have not been farther brought forward, than as they ſerved to form the baſis on which a treaty of amity was to be formed, or to adjuſt the terms on which it was to be concluded. France, however, on the occaſion not only preſerved a ſtately and repulſive demeanor, but her words were better adapted to a declaration of hoſtilities than a profeſſion of amicable intentions. This conduct too was the more injurious, as there was, in fact, no juſt cauſe of ſuſpicion as to the real intentions of the Engliſh miniſtry in the overtures which they made. Thoſe overtures conſiſted of queſtions extremely ſimple and intelligible in their nature, and did not betray any circumſtances of fraud, which might not be drawn from every overture, from whatever quarter it might proceed, or however it might be worded. The reproaches, therefore, with which the anſwer to Mr. Wickham's note was replete, were no leſs contrary to juſtice, than they ſeem to be irreconcilable with the intereſts of France and the common forms of ſimilar proceedings. They were as unfounded in point of truth, as they were impertinent to the matter in iſſue.

In the propoſitions which the Britiſh court made at this time to the ruling powers of France, was one which related to the formation of a congreſs, with a view to the re-eſtabliment of a general peace.

It was not enough that the French government ſhould peremptorily reject this propoſal, which was put ſimply as an inſtance, and not as an indiſpenſable condition, but they thought proper to deduce from it a preſumption of deſign and inſincerity. With what propriety this ſtrange inference could be drawn from the incidental ſuggeſtion of a congreſs, may be judged from enumerating ſome of the inſtances, in which it has happily been the means of reſtoring repoſe to Europe. The treaties of Paſſau, and Chateau Cambreſis, of Nimeguen, of Ryſwick, of Utrecht, and of Aix la Chapelle, by which the intereſts of the belligerent powers were ſettled at conferences held between their reſpective miniſters, atteſt the ſalutary efficiency, with which the diſcuſſions afforded by thoſe conferences were followed. At any rate, if the Executive Directory was diſinclined to follow former precedents, or was averſe from that thorough examination of the complicated matters in diſpute which the deliberations of a congreſs afford, it was expreſsly invited by Mr. Wickham's note to propoſe any other way of arriving at the ſame end, that of a general pacification. This it omitted to do; and it ſeemed reſerved for the ingenuity of the members of the new government to reconcile with common ſenſe, how at the ſame inſtant in which they diſtruſted the profeſſions of the Britiſh court, and objected to the delays of the mode ſuggeſted, they could evince a ſincerity of pacific aſſurance and eagerneſs for the ſpeedy reſtoration of general tranquillity, by rejecting the overtures advanced, and offering not one ſingle propoſition on their own behalf.

But the preſumption of their unwillingneſs to treat for peace at that time does not reſt merely on the negative they put to the propoſal of a congreſs, or their own ſilence as to any other mode. The ſtrongeſt preſumption on this point ariſes from their aſſerting as the baſis of negotiation, on the prelimi-

nary conceſſion to which alone they could conſent to hold any intercourſe, a pretenſion in itſelf contrary to the received ideas of the laws of nations and to common reaſon, and in its application adverſe to every principle of moderation and equity.

All laws, which relate to matters of poſitive inſtitution, are obligatory on thoſe only by whoſe authority either expreſs or implied they are enacted. They derive their ſole ſanction from the real or ſuppoſed aſſent of thoſe whoſe concerns they affect, and are conſequently confined in their operation to the limits of the ſtate in which they originate. In this extent of juriſdiction it is, that the chief difference conſiſts between municipal and public law. Formed as mankind are for ſociety, and ſcattered as they are over the whole globe, they neceſſarily form themſelves into ſeparate and independent nations, which, however, from the ſame principle by which mankind are attracted into great maſſes, preſerve in different degrees a mutual intercourſe. To regulate this intercourſe, which correſponds preciſely to that which ſubſiſts between ſingle individuals, a rule of law is equally neceſſary. But as no law can be binding except it be acknowledged by thoſe whom it is intended to affect, and as no independent community will make that acknowledgment to the rules which another may preſcribe, the law of nations by force of neceſſity conſiſts of the dictates of natural reaſon and the ſtipulations of mutual convention.

From this difference between the extent of operation, which the law of nations and municipal law reſpectively poſſeſs, and the review of the principle on which the difference is founded, it is clear, that the private regulations of a particular community cannot have any force or applicability in a tranſaction between that and another community. To make ſuch an application is confounding every principle by which laws are made, and from which they de-

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rive their ſanction. It is aſſuming a prerogative of diſpenſing, by the legiſlative authority of one nation, with the intereſts and engagements of other ſtates, of controuling their independence, and limiting their rights.

But if this doctrine be more particularly clear in one inſtance than in another, it is in that of a negotiation for peace between two contending nations. In this caſe, whatever may be the fundamental laws of each nation, the terms of adjuſtment are always regulated by their reſpective relative force, and relative neceſſities. The quantum of conceſſion which each may be induced to make, is meaſured by the extent of its remaining power, and the preſſure of its increaſing diſtreſſes. It is not only in the higheſt degree impertinent and abſurd, in reference to its adverſary, to ſet up an internal regulation as an impediment to the conditions, which the other on the view of comparative ſituation may be entitled to exact; but * the public functionary of a ſtate is, in fact, always conſidered, from reaſons of general policy, as poſſeſſing, on ſuch a view, the power of conſenting to thoſe conditions, even though they ſhould be contrary to the directions of its municipal law.

The above principles are ſo plain and common, and have been acquieſced in ſo long by all civilized nations, that it would have been uſeleſs on this occaſion to have explained them, were it not neceſſary for the purpoſe of ſhewing that the Executive Directory acted in open contradiction to them all, when it declared to Mr. Wickham, that the conſtitutional act did not permit it to conſent to any alienation of that which, according to the exiſting law, conſtituted the territory of the Republic. Now the conſtitutional act of France, had it been framed antecedent to the breaking out of hoſtilities, could

* Vattel. B. i. §. 262.

not

not have been binding on foreign powers, and therefore was incompetent to be adduced, as an inſtrument of validity applicable to them. But, in truth, it was enacted pending the courſe of the war, at a time when much of the territory of the Republic was in the hands of her enemies, and when that portion of territory which ſhe had conquered from them, and had thought proper, by the laws alluded to, to call an integral part of France, was only her's by the chance of war, of which ſhe was liable to be diſpoſſeſſed by the ſame contingency. Any proviſion of that nature was therefore plainly made in her own wrong, as far as ſhe meant to inſiſt upon its admiſſion, as a preliminary to negotiation. Nor is this all. The laws alluded to, the violation of which was ſtated to be beyond the prerogatives of the Directory, were themſelves a direct violation of the laws of nations. * The right of conqueſt is in its nature only inchoate, and receives completion ſolely from the definitive articles of a treaty of peace. The Republic therefore had no legitimate power to appropriate to herſelf the countries which her armies occupied. She poſſeſſed over them a dominion only tranſitory, and no partial act of her own could make it permanent and rightful.

The conſtitutional act being then wholly foreign to other nations, the inſiſting on it could only be, as to them, a declaration of the will of France in the matter to which her rulers applied it; though it may perhaps without any violation of candour be conſtrued to have been intended as a pretext, by which the inordinate demands of that will might either be concealed or excuſed. But however that be, the pretenſion itſelf, in its application to the relative ſituation of the two powers, was perhaps the moſt extravagant that ever on a ſimilar occaſion was announced, It amounted to nothing leſs, than that

* Vattel. B. iii. §. 197.

France

France ſhould appropriate to herſelf all that her exiſting laws comprized under the denomination of French territory. Of this territory ſo denominated there could, by the terms of any treaty, be no ceſſion, no alienation. Now what, by the exiſting laws, was French territory, conſiſted of the whole of old France, all her colonies, all her domains before the war, and what ſhe had incorporated with herſelf by new decrees ſince its commencement. Her will therefore was, as deſcribed by the notification of this conſtitutional act, entire and unqualified reſtoration, on the part of her enemies, of every foot of land which they had conquered from France; and retention, on her ſide, of every thing which ſhe had taken from them, except the particular countries, which, though temporarily the ſeat of war, ſhe had ſhewn the ſingular moderation of not yet uniting to herſelf. Theſe other territories, as well as other intereſts political and commercial, the Directory was pleaſed to ſay, might, become the ſubject of a negotiation, and would preſent the means of proving how much it deſired to attain ſpeedily to a happy pacification.

A ſimple avowal of ambition like this, ſo monſtrous and exorbitant, would have been ſufficient, without farther aggravation, to have defeated all reaſonable hope of accommodation. But the pretenſion was ſo brought forward, that all diſcuſſion of it was precluded. It was not one which might be modified by reaſoning and expoſtulation. But it was at once definitive in its nature. No propoſal, it was aſſerted, could be liſtened to that was contrary to it. The previous conceſſion of it was the *ſine qua non* of negotiation—a previous conceſſion which I know not whether we ſhould have been inclined to make, if the Gauls had been in our capital, and the tri-coloured flag flying on the tower; which I am ſure, if it had been made at the juncture alluded to, we ſhould have deſerved the

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ſame inſult with which their anceſtors on one occaſion reproached the ancient Romans. *Auditaque intoleranda Romanis vox, væ victis eſſe.*

The Engliſh miniſtry at that time did not feel themſelves juſtified, by the relative ſituation of the two countries, to admit the juſtice of this pretenſion; and his Majeſty therefore declared, that while ſuch diſpoſitions were perſiſted in, nothing was left for him, but to proſecute a war equally juſt and neceſſary.

Notwithſtanding, however, the unfavourable reception which this advance, on the part of the Engliſh court, and another which was made by his Imperial Majeſty at the opening of the campaign, met with from the French government, miniſters were induced, from ſeveral conſiderations, to try the ſucceſs of a ſecond application, to be made in a way ſo perfectly unobjectionable, that the direct refuſal of it would throw upon the Executive Directory the whole odium of a protracted warfare. The hope, that the continued miſeries of war and the increaſing diſtreſſes of France might have led to more moderate and peaceable diſpoſitions in her rulers; the honourable deſire of evincing to all Europe, that the ſuſpicions which France affected to entertain, on grounds purely frivolous and formal, reſpecting the ſincerity of their former overtures, were perfectly groundleſs; and an earneſt wiſh to reſtore to afflicted humanity the bleſſings of peace; theſe were the motives which prompted the Engliſh miniſtry, under circumſtances ſufficiently diſcouraging, to ſend to Paris a perſon of confidence with commiſſion to diſcuſs, with the government there, all the means the moſt proper to produce the re-eſtabliſhment of tranquillity. With this view an expedient was adopted, in practice the moſt approved and unexceptionable. His Majeſty availed himſelf of the intervention of a neutral power, ſimply to demand in a written note, of the Executive Directory paſſ-

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ports for a plenipotentiary to proceed to Paris. To this a verbal anſwer was returned, that the Executive Directory would not, for the future, receive or anſwer any overtures through an intermediate channel, from the enemies of the Republic; but that if they would ſend perſons furniſhed with full powers and official papers, theſe might, upon the frontiers, demand the neceſſary paſſports. This reply was ſufficiently repulſive; but ſtill miniſters were reſolved to give no opportunity to the enemy to elude the diſcuſſion. A flag of truce was ſent over, charged with a requeſt ſimilar to that made by the Daniſh miniſter; and Lord Malmeſbury was at length enabled to preſent to the French government the memorial of his Britannic Majeſty.

In this memorial was contained the principle which the court of London deemed the moſt fit to ſerve as the baſis of the negotiation. It is clear, that until ſome principle applicable to that end be mutually agreed upon, it is impoſſible to proceed upon the detail of terms, with any thing like preciſion or certainty. Contrariety of intereſts and claims can never be adjuſted, until ſomething be pointed out as the rule of ſettlement. Each party is neceſſarily prepared to defend its own cauſe, and to weaken that of its adverſary: but ſuch contention is merely fighting in the air, until ſome point be agreed upon, on which there is a mutual underſtanding; ſuch diſcuſſion muſt be dark and obſcure, until the ſubjects of which it treats be defined and laid down. A common principle therefore gives a clue by which this labyrinth of confuſion is avoided; and the principle which the Britiſh memorial contained, and to which it requeſted the acknowledgement of the Directory, was, that of making compenſation to France, by proportionable reſtitutions, for the arrangements to which ſhe would be called upon to conſent, in order to ſatisfy the juſt pretenſions of the King's allies, and to preſerve the political balance of Europe.

In the demand of this acknowledgement there was nothing in itſelf unprecedented; nor, as between the two powers, exorbitant or unjuſt. It related to a principle, of which experience had proved the fairneſs ſo ſtrongly, that perhaps no treaty in modern Europe has not been founded upon its baſis; and in its application ſo ſingularly moderate was it on the part of Great Britain, that it enforced from her the reſtitution of conqueſts to a power which had taken nothing from her, while from that power it demanded ceſſions, in which ſhe herſelf was no farther directly concerned, than as they tended to ſatisfy the claims of her allies, and preſerve entire the general intereſts of Europe.

But, to the aſtoniſhment of the world, inſtead of ſubſcribing to this principle, ſo juſt and equal, or of manifeſting any diſpoſition to treat upon any other, the rulers of France were not aſhamed to repeat the ſame offenſive inſinuations with which they had replied to the former overtures, upon a pretence, that this principle was vague and inſulated, and that the difficulties would be increaſed by the neceſſity of balancing, with the intereſts of the two powers, thoſe of the allies of Great Britain.

It is a ſingular thing, that the Executive Directory ſhould object to a propoſition on account of its being vague and inſulated, when all the evaſions, of which its ſtudied ſophiſtry has been compoſed, are of that looſe and unconnected nature, as abſolutely to defy the efforts of regular and ſubſtantial reaſoning. It is ſtill more ſingular, that at the moment at which they would charge the principle, of which I have ſhewn the particularity and preciſion, with being vague and inſulated, the whole of what they themſelves ſuggeſted upon the ſubject ſhould incur in a ſtriking degree this very imputation. To ſimplify what they took to be perplexed, and to define what appeared to be uncertain, was a duty which, on ſuch an occaſion, they owed no leſs to their own conſiſtency,

ſiſtency, than to the great cauſe of peace; but the points which they contented themſelves with noticing as worthy of conſideration, were partly involved in ſuch obſcurity, as ſcarcely to admit of comprehenſion, and partly partook of ſo indeterminate a quality, as not to admit of any practicable inference.

But that which ſeems to have afforded to the government of France the greateſt diſappointment, and to be a topic moſt enlarged upon by their advocates in this country, is the declaration which the Britiſh memorial implies, and which Lord Malmeſbury is underſtood to have diſtinctly ſtated, of the poſitive refuſal of this country to conclude a treaty, without comprehending in it the intereſts of its allies. The Executive Directory objected therefore, not only to the delays and difficulties which ſuch a combination would create, but alſo to the additional circumſtance of Lord Malmeſbury not poſſeſſing a definitive authority from any other power than Great Britain:* and the great leader of oppoſition in the Houſe of Commons obſerved, with his uſual acuteneſs, that the Engliſh miniſter was ſent with powers to conclude, but not to treat upon that which he had power to conclude; with powers to treat, but not to conclude upon that about which he had power to treat. Now, of this obſervation the firſt part is deſtitute of foundation. As far as Lord Malmeſbury had authority to conclude, he had unqueſtionably an equal one to treat. His credentials were made out in the uſual form; they gave him the neceſſary authority to conclude a peace, but preſcribed neither its form, its nature, nor conditions: his inſtructions, however, were, not to disjoin the intereſts of the allies from

* This, and the ſtatements which occaſionally follow, of what Mr. Fox ſaid in the Houſe of Commons on the 30th of December, 1796, cannot be vouched for by the author; but they reſt on the authority of thoſe newſpapers which are in the habit of reporting that gentleman's ſpeeches moſt correctly.

thoſe of Great Britain. Poſſeſſing, as he did then, an authority to conclude a peace, in which thoſe intereſts were conſulted, there is no ground for ſaying that he had no power to treat concerning them. The other part of the antitheſis is true in point of fact, but its truth is by no means concluſive. It is true, that the Engliſh plenipotentiary was in no accredited capacity from his Imperial Majeſty, and could not therefore pledge the conſent of that power to thoſe conditions on which he might agree. But though he was in no ſtate definitively to ratify them, that could form no juſt reaſon, why they might not be proviſionally diſcuſſed. In any negotiation in which all the belligerent powers do not take a direct part, by miniſters deputed to a general congreſs, or ſome other mode, and in which neither of the powers negotiating is willing to relinquiſh the juſt claims of its friends, it muſt always be, that thoſe claims form a part of interlocutory diſcuſſion, though they cannot be immediately brought to final ſettlement. The very diſcuſſion implies ſomething remote from abſolute adjuſtment. When it is brought forward to a ſufficient degree of maturity to promiſe a favourable iſſue, it is in the common courſe of diplomatic proceedings to invite on each ſide the reſpective allies, to concur in the negotiation, and include themſelves in the general pacification: but in the outſet of ſuch diſcuſſion, which from the contradictory pretenſions and complicated intereſts it involves, muſt neceſſarily require much time and deliberation, the want of regular credentials from all the powers concerned has never been conſidered as a bar to the taking of the intereſts of thoſe powers into conſideration. At the conferences which took place before the peace of Utrecht, at Moerdyk, at Woerden, at the Hague, and Gertruydenberg, between the miniſters of Louis the Fourteenth and the Dutch Deputies, Buys and Vander Duſſen, the whole circle of their political engagements on each ſide was canvaſſed and exa-

mined; and no objection was taken, either by the one party or the other, to the advancing and maintaining the pretenſions of their reſpective allies, as connected with their own, from the circumſtance of neither being formally inveſted with the means of finally confirming the terms on which they ſhould mutually agree.

It is needleſs to expatiate on the peeviſh and unconciliating nature of the communications of the Executive Directory after the firſt note of the Engliſh Miniſter, until at length they thought proper to make a formal and unequivocal acknowledgement of the principle originally laid down, in the memorial of the court of London, as the baſis of the negociation. But there is a circumſtance alluded to in one of them reſpecting which they have raiſed ſo many objections, and exerciſed ſo much indecent ribaldry, that it may not be amiſs to notice it.—I allude to the queſtion which they ſo imperiouſly demanded of Lord Malmeſbury, "whether, on each official communication which ſhould take place between them, it was neceſſary for him to ſend a courier to receive ſpecial inſtructions?"

Now for a miniſter with Lord Malmeſbury's reſponſibility to be a little diſtruſtful of his own judgment, and to wiſh to receive the advice of his court on an occaſion in which ſo many diſcordant and complicated concerns were to be adjuſted, cannot, I think, be looked upon as unreaſonable. But peculiarly as he was placed, dealing with thoſe who ſeemed to be ignorant of, and, at the ſame time, to hold in perfect contempt the common forms of diplomatic proceedings, and who were in the habit daily of advancing ſome unheard-of objection, or propoſing ſome unheard-of demand, the ordinary inſtructions of a miniſter plenipotentiary, it is not very probable, would ſuffice to meet the exigencies of ſo novel a ſituation. But the curioſity of their queſtion is increaſed, when it is obſerved, that in the

the full powers with which they affected to inveſt their own oſtenſible agent on this occaſion, there is a ſpecial reſervation, that he ſhall conform himſelf to the inſtructions which ſhall be given him, and that he ſhall render a regular account, from time to time, of the progreſs and of the iſſue of the negotiations. If Lord Malmeſbury and M. Delacroix had ſtood by themſelves, without any communications on either ſide with their reſpective employers, his lordſhip, perhaps, might have remained alone without the danger of defeat; but when the French plenipotentiary was to be aided at every ſtep by the ſupplemental wiſdom of the Executive Directory, common juſtice required that the Engliſh ambaſſador ſhould be empowered to conſult occcaſionally the authority of the Engliſh cabinet.

When the French government had at length ſubſcribed to the principle of reciprocal compenſation, the court of London no longer felt a reluctance to do what, before ſuch ſubſcription, was prepoſterous to aſk, and would have been abſurd to have conceded, I mean, to deſignate the objects of that compenſation. Accordingly, in as ſhort a ſpace of time as the immenſe importance of the ſubject would allow, the miniſter of his Britannic Majeſty delivered two memorials; the one diſtinctly applicable to the intereſts of this country and of France, the other to thoſe of the King's allies.

And here it may not be impertinent to obſerve the great anxiety which his Majeſty's miniſters teſtified for the concluſion of a peace, by conſenting to incur the diſadvantages of the ſituation in which they were placed, by a deſignation of ſpecific terms on their part, while the enemy made no expoſition on his ſide. They expoſed themſelves, on the one hand, to the advantages which the enemy would infallibly take from a preſumption of their weakneſs,

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if thoſe terms appeared, in the firſt inſtance, to be ſtated at the loweſt points of moderation and conceſſion. The preſumption in ſuch caſe undoubtedly would be, that ſuch moderation and conceſſion aroſe from a real ſenſe of relative inferiority, or from a baſe and timorous puſillanimity; and it would conſequently have the effect of increaſing his pretenſions, by flattering his ambition and elevating his hopes. On the other hand, if the terms were ſuch as, in the judgment of miniſters, accorded with the comparative ſtrength of the two countries, and which the honour and intereſts of Great Britain exacted at their hands that they ſhould propoſe, the apparent zeal which in ſuch caſe they would maniſeſt for the welfare of their nation, would be conſtrued into a proof of their love of aggrandizement or of their inſincerity. Nay, this is not all the inconvenience which they hazarded. In the event of the negotiation being broken off, the advantage which the enemy might gain, by knowing at what rate this country eſtimated her ſtrength, was very conſiderable; and the detail of that eſtimate in its political conſequences on external relations might be very prejudicial. It might be prejudicial in its conſequences, in thoſe countries which Great Britain had conquered from the enemy, and which ſhe might ſhew an inclination to reſtore to him; it might be the means of throwing them into a ſtate of uncertainty and chance, of impeding the commercial advantages which ſhe would derive from them on the probability of their being a permanent acquiſition, and of transferring the affections of their inhabitants to France, as the country to which, on the ceſſation of hoſtilities, they muſt neceſſarily revert.

It will be remembered by thoſe who are in the conſtant habit of giving to the preſent war the appellation of the moſt calamitous and diſgraceful

in which Great Britain was ever involved, that at the criſis of Lord Malmeſbury's preſenting the memorials, no leſs than at the preſent moment, almoſt the whole of the colonial poſſeſſions of France were in the hands of this country, while France had nothing in her power which belonged to Great Britain, or which Great Britain could demand for herſelf. If, in any ſenſe of the word, peculiar misfortunes, beſides the common and unavoidable contingencies of war, could be ſaid to have befallen Great Britain, they muſt neceſſarily be interpreted to be, not the loſſes which Great-Britain had herſelf ſuſtained, but thoſe which had happened to her ally, his Imperial Majeſty. As between the two countries, conſidered by themſelves, every advantage, every acquiſition was on the ſide of Great Britain; an entire and undiminiſhed navy, integral dominions, and conqueſts heretofore regarded as of incalculable value, in either quarter of the globe. But his Majeſty's miniſters, though, perhaps, on this view of the relative ſituation of Great Britain and France, not exactly coinciding in opinion with the oppoſers of their meaſures, that the acquiſitions of France on the continent were of ſuch immenſe importance to this country, as juſtly to entitle the war to the reproach of being the moſt calamitous ever recorded, yet ſo far agreed with them in opinion as to the importance of thoſe acquiſitions, as to think themſelves bound, not only from motives of honour to the Emperor, but alſo of intereſt to this country, to demand the reſtitution of ſome of them, and to ſatisfy the enemy by proportionate ceſſions. They accordingly, in a propoſition which ſet the good faith and national honour of Great Britain in the higheſt point of view, agreed to make a common ſtock with his Imperial Majeſty of the territories which Britiſh

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valour had acquired, to ſhare with him profit and loſs; and offered to indemnify France for the reſtoring to the King's ally all his dominions on the footing of the *ſtatus ante bellum*, by the entire and unreſerved reſignation of all the conqueſts of this country from her.

The territory, which this reſtitution on the part of France would compriſe, conſiſted of the Netherlands, ſome country between the Rhine and Moſelle, and the Milaneſe, at that time in a ſtate of uncertainty between the alternate ſucceſſes of the Auſtrians and the French. But his Majeſty's plenipotentiary, in the conference which he had with M. Delacroix, at the ſame time that he inſiſted on the part of the memorial relating to the Netherlands, as that from which his Court would not recede, informed him that the other parts of it were ſubject to modification.

The true point of view then in which the propoſition is to be conſidered is, whether, in return for the conceſſion which his Britannic Majeſty was willing to make, it was too much to inſiſt, conſiſtently with the intereſts or moderation of Great Britain, on the reſtoration of the Netherlands as the *ſine qua non* of accommodation.

Now, in anſwer to what fell from Mr. Fox in the Houſe of Commons on this ſubject, reſpecting our paſſive inactivity at the criſis when an internal convulſion had nearly raviſhed the Netherlands from the houſe of Auſtria, it may be obſerved, that it is not only from a ſenſe of the duty we owe our ally on the preſent occaſion, but alſo from a ſenſe of the ſerious conſequences which would reſult to this country if they continued attached to the territories of France, that we are anxious for their alienation from that country, No one who is verſed in the politics of modern Europe, can be ignorant of the earneſtneſs with which France has for more than two centuries endeavoured to annex this coun-

try to herſelf, from the time at which the marriage of the heireſs of the Houſe of Burgundy to Maximilian of Auſtria, diſappointed the rapacious ambition of Louis the XIth, to the day of the conventional decree, by which they were reckoned amongſt her departments. No one can be ignorant of the jealouſy with which Europe, and particularly this country, as more particularly affected, have beheld ſuch endeavours, and of the firmneſs with which the confederated powers, in the glorious reigns of William and of Anne, withſtood in this matter the perſeverir g efforts of Louis XIV.

Not to mention the decided preponderance which France would infallibly gain by ſo great an acquiſition of territory on the continent, the ſecurity of Great Britain, as an inſular power, would be moſt ſeriouſly ſhaken, both in a commercial and political view. The geographical ſituation of the Netherlands afford to her the moſt eaſy means of attack on this country. It is through the Netherlands chiefly that are tranſported the numerous commodities which conſtitute our continental trade: they are the road which lead to the lucrative markets of Germany, and they form themſelves one great mart of conſumption*. With the Netherlands in the hands of France, this facility of communication would be greatly reſtricted in times of peace; in times of war it would be wholly loſt. The political advantages which ſuch a poſſeſſion would give may be eaſily imagined, when we conſider how conſiderable a part of our north-eaſtern ſhores would be overlooked by the domains of France; that ſhe would poſſeſs an additional ſtretch of coaſt from the iſlands of Zealand to the fortifications of Dunkirk, from the ports of

* The commerce to the Auſtrian Low Countries amounted, before the war, to about 1,200,000l. per annum; that to Holland to about 1,600,000l.; that to Germany to about 2,000,000l.

which,

which, in future conteſts, would iſſue innumerable privateers to annoy our multiplied and extenſive trade, and which would afford to her a much greater facility of command in the northern ſeas. Add to this the defenceleſs and dependent ſtate in which Holland muſt be left in relation to France, without even the ſemblance of a barrier to protect her from the attempts of that formidable power. From theſe and other conſiderations of a ſimilar nature, into the minute detail of which it is needleſs to enter, I know not a continental change which would more immediately give to France a means of powerful offence againſt Great Britain, than the permanent dominion of the Low Countries.

But great as would be indiſputably, in an hoſtile point of view, the ſuperiority which this dominion would ſecure to her, it is not to be compared, in ſolid and ſubſtantial advantages, with the opportunities of renovating her commerce and marine, which the Engliſh miniſtry held forth to her in the offer of an entire reſtitution of her colonies. Mr. Fox endeavoured to illuſtrate the comparative inequality of the exchange, by aſking, "if the Emperor was ſecure in the poſſeſſion of the Netherlands, how we ſhould treat the offer of two or three iſlands in the Weſt Indies, on the part of the French, in order that it might be given up to them." But this is by no means concluſive. In order to make the circumſtances equal, it ſhould be an offer, not only of two or three Weſt Indian iſlands, but alſo of all her forts and eſtabliſhments in the Eaſt, accompanied by an exhauſted marine and annihilated commerce, which, by ſuch a ceſſion, would be incapable of being recruited. I think not, that, under circumſtances like theſe, France would conſult her real intereſts by an abandonment of the vital ſources of her exiſtence, as a naval and commercial power, for the ſake of more extenſive territory on the continent. It has been her navy and her trade

which have afforded elaſticity to her bulk, and activity to her ſtrength, which have inſpired her exertions with vigour, and ſupplied her ſtruggles with reſources. Theſe were the ſprings which, in former periods of the preſent century, ſupported her aſtoniſhing efforts; and it has been from the failure of them, during the preſent conteſt, that ſhe has been driven to the deſperate extremities we have witneſſed.

As far as extent of territory can ſecure ſubſtantial power and formidable greatneſs, her domains are already ſufficiently wide. The advantages of her local ſituation and natural fertility are, perhaps, ſuperior to any other European country. Thoſe advantages, I heſitate not to allow, would be conſiderably increaſed by the addition of the Low Countries, particularly for hoſtile purpoſes. But it ſhould be remembered, that France no longer profeſſes to be an enterpriſing and warlike power. She abjures the reſtleſſneſs of ambition, and the machinations of intrigue. The conflict in which ſhe is now engaged, was undertaken, ſhe contends, in the defence of her liberties and independence. When thoſe liberties and that independence are placed upon a ſure footing, hoſtilities, we are aſſured, are not again likely to diſturb the repoſe of the Republic.* Territorial acquiſition, therefore, can be to her, matter only of inſignificant importance, compared with poſſeſſions, whoſe value is enhanced in proportion to the likelihood of a pacific ſituation: territorial acquiſition, which, though doubtleſs of conſiderable value, affords rather, I contend, the means of powerful aggreſſion to its neighbours, than a ſource of permanent advantage to herſelf.

* M. Delacroix aſſured Lord Malmeſbury, that the French Republic, when at peace, would neceſſarily become the moſt quiet and pacific power in Europe.

Of a different deſcription are the conqueſts which Great Britain has made. They hold forth not, it is true, a direct facility of hoſtile attack; but in proportion as the loſs of them ſtrikes at the commercial exiſtence of France, they tend to enlarge our commercial proſperity. The value of our poſſeſſions in the Eaſt cannot be ſet forth in terms more emphatical and ſtrong than thoſe uſed by M. Delacroix to Lord Malmeſbury; "*Votre empire dans l'Inde vous a fourni les moyens de ſalarier toutes les puiſſances contre nous.*" To theſe poſſeſſions a great addition has been made by our acquiſitions in that quarter; but, perhaps, the moſt important point in which thoſe acquiſitions can be viewed, is the ſecurity which our Indian empire might be capable of deriving from them. We have not yet forgotten the dangers and troubles in which we were involved there during the laſt war, not only from the force of the French arms, but in a more powerful degree alſo from the combination of the native powers, whom the reſtleſſneſs of French intrigue had excited againſt us. In oppoſition to ſo formidable a confederacy, it is not probable we ſhould have again to contend, if the primary cauſe of it was precluded from the power of operation. The total expulſion of the French from the continent of India, has in that reſpect been always deemed the moſt probable means of prevention; and, therefore, in attaining that object is involved a twofold advantage, that of transferring to ourſelves moſt important commercial benefits, and inſuring to our former dependencies immunity from future attack. In the Weſt Indies our conqueſts compriſe the valuable iſlands of Tobago, St. Lucia, Martinique, the ſtrongeſt place, and a great adjoining part of St. Domingo. The trade between France and her colonies in the Weſt Indies returned, before the war, not leſs than ſix millions yearly. Of this immenſe profit Great Britain,

Britain, in the preſent ſtate of things, would poſſeſs herſelf of much the greateſt ſhare. Her ſhipping would be greatly augmented by ſo conſiderable an increaſe of navigation; and the ſupplying almoſt wholly of the continental markets with Weſt Indian productions, would open new ſources of connection, and furniſh freſh ſupplies of wealth. Such an accumulation, in the moſt remote quarters of the globe, of rich and powerful acquiſitions, would indeed ſecure to her that monopoly of commerce and naval greatneſs which the French government repreſent as the view of ambitious England, but which ambitious England has conſented to ſacrifice to the juſt claims of her ally, and the equality of the balance of power in Europe.

But his Majeſty intimated, as a qualification of his offer of an entire and unreſerved reſtitution of all his conqueſts from France, that in the event of his waving the right, given to him by the expreſs ſtipulations of the treaty of Utrecht, of oppoſing the ceſſion of the Spaniſh part of St. Domingo to France, he ſhould demand, in return for this conceſſion, a compenſation which might, in ſome degree, ſecure the maintenance of the balance of the reſpective poſſeſſions in that part of the world. The reaſonableneſs and juſtice of this demand cannot be diſputed. If, in addition to being reinſtated in her ancient poſſeſſions, France ſhould be the miſtreſs of the whole of St. Domingo, the preponderance in the ſcale of Weſt Indian power would clearly be her's. It is but fair, therefore, that in that caſe his Majeſty ſhould reſerve ſomething to himſelf, in return for an aſſent, which the law of nations at preſent gives him a right to withhold. This right of his Majeſty is grounded upon poſitive convention, repeatedly confirmed and ratified between Great Britain, France, and Spain, whereby Spain is bound not to alienate any part of her American

rican dominions, without the aſſent of Great Britain. It has indeed been aſſerted, through an official organ of the Executive Directory*, that this right was annulled by the ceſſion which, in 1763, was made in favour of Great Britain, of Florida, St. Auguſtin, and Penſacola. But as the ſtipulation was made for the benefit of Great Britain, ſhe poſſeſſed certainly a privilege of diſpenſing with it at pleaſure. Such occaſional diſpenſation, however, by no means amounts to an abſolute abrogation; it does not follow from thence that the party bound is at liberty to annul the obligation, and introduce, in direct violation of it, the intereſts of third perſons. To aſſert that doctrine, on ſuch a pretext, would indeed be in open contempt of common reaſon, and in manifeſt breach of public law. But the pretext, ſuch as it is, falls to the ground, by referring to the treaty of Verſailles. That treaty, poſterior in date to the pacification of 1763, confirms all ſubſiſting conventions between Great Britain and Spain; and the definitive articles expreſſly ratify the ſtipulations of Utrecht.

My readers will excuſe me for not entering into a diſcuſſion of the other propoſitions contained in the firſt memorial, to which not much objection has been made, and which, it was expreſſly indicated, admitted of modification. It will be ſufficient to obſerve, that the third article would have left France ſtill in poſſeſſion of Nice, of Savoy, and of Avignon, from the latter of which places the Pope was formerly in the habit of drawing a conſiderable revenue.

In the ſecond confidential memorial, which Lord Malmeſbury preſented, the principal points are, that the Engliſh Court make it the condition of conſenting, in favour of the Republic of the United

* The Redacteur.

States

States to the re-eſtabliſhment of the *ſtatus ante bellum*, that France ſhould reinſtate them in all reſpects in the ſame political ſituation in which they ſtood before the war; but that if, on the contrary, it ſhould be with the Republic of Holland in its preſent ſtate that the allies would have to treat, they would feel themſelves obliged to ſeek, in territorial acquiſitions, thoſe compenſations and that ſecurity, which ſuch a ſtate of things would have rendered indiſpenſable to them. In the firſt caſe, the reſtoration of the ancient form of government alone, agreeably to what may be believed to be the wiſh of a great majority of the inhabitants, would, it was ſtated, induce his Britannic Majeſty to relax from a very conſiderable part of the conditions which he muſt otherwiſe inſiſt upon. In the latter caſe, reſtitutions in favour of Holland could be admitted in ſo far only, as they ſhould be compenſated by arrangements calculated to contribute to the ſecurity of the Auſtrian Netherlands; the means of accompliſhing which object would be found in the ceſſions which France had exacted in her treaty of peace with Holland, and the poſſeſſion of which by that power would in any caſe be incompatible with the ſecurity of the Netherlands in the hands of his Imperial Majeſty.

In this propoſition the Engliſh court has again given a ſignal inſtance of its moderation and earneſt deſire for peace. Notwithſtanding the arms of Holland have taken nothing from the crown of Great Britain which can weigh in the balance of mutual compenſation, yet in the event of its reſtoration to that conſtitution which it poſſeſſed when in alliance with this country, an offer has been made to reſtore to it thoſe poſſeſſions, which are the main ſource of its commercial wealth. The reſervation, which the memorial hinted at as in that event probable to be inſiſted upon, and which in Lord Malmeſbury's conference with M. Delacroix, and

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in the diſcuſſion in Parliament appears to allude to the Cape of Good Hope, and the town and bay of Trincomalè, conſiſts of ſettlements, the poſſeſſion of which would be rather a means of defence to our Indian empire, than in themſelves immediate inſtruments of aggrandizement. The advantage of the former, by no means reimburſed to Holland the expence of its numerous eſtabliſhment; and the latter, though ſituated in the fertile iſland of Ceylon, carries on no direct trade of its own. But even if the caſe were otherwiſe, the reſervation of them is no more than what under the relative circumſtances of the two countries Great Britain would be juſtly entitled to. Involved in a conteſt unprovoked on her part, ſhe has a right to compenſation for the additional expence of treaſure to which ſhe has been put through the wanton aggreſſions of Holland. The retention of two ſettlements only, muſt be deemed a trifling compenſation, when oppoſed to the reſtitution of all the others at once ſo numerous and valuable; a reſtitution, I may add, perfectly gratuitous, enforced by no ſuperiority in arms, and bargained for by no equivalent conceſſion.

If, however, the Dutch Republic continues in its preſent ſubjection to France, the motive on the influence alone of which the reſtitution of its ſettlements was grounded, falls at once to the ground. In the event of the reſtoration of its independence, thoſe ſettlements would be ceded to a power, which would again probably become the ally of this country; but ſituated as it is at preſent, ſuch a ceſſion would be the ſame, as if they were at once given to France. Of ſuch a meaſure the conſequences cannot but ſtrike every one who is acquainted with the diſpoſitions of France on this ſubject; who knows, that of all her projects of hoſtility to Great Britain there is no one to which ſhe has ſo pertinaciouſly adhered, no one which at preſent ſhe wiſhes ſo much to accompliſh, as the ſubverſion of the empire of the Engliſh Eaſt India company.

Mr. Fox obſerved in the Houſe of Commons, that this argument of no obligation on the part of Great Britain to make any reſtitution to Holland, was equally applicable to the ſtate of things between France and Auſtria. "On the ſame ground," he aſſerted, "might the French ſay, we have taken a great deal from the Emperor, he has taken nothing from us, we therefore are not bound in juſtice and equity to make him any reſtitution: we demand that the *uti poſſidetis* be the baſis of negotiation." Unqueſtionably as between thoſe two individual powers the reaſoning is equally valid. But, in ſtating the application of it to the ſituation of Holland and this country, Mr. Fox omitted one moſt material circumſtance. France, it is true, is under no perſonal obligation to the Emperor to reſtore to him the conqueſts which ſhe has made of his dominions; but it muſt not be forgot, that the principle, which in the very firſt inſtance, the generoſity and good faith of his Britannic Majeſty induced him to lay down as the groundwork of negotiation, was that of making compenſation to France, by proportionable reſtitutions, for the arrangements to which ſhe ſhould be called upon to conſent. If, therefore, his Majeſty had offered no compenſation to France, the illuſtration of Mr. Fox would have been concluſive. But the truth is, that for the arrangements, to which France was invited to agree, his Majeſty tendered an entire and unreſerved reſtitution of all the conqueſts which he had made on that power in the Eaſt and Weſt Indies. The two caſes therefore differ thus materially; that, in the one, Holland has it not in her power to compenſate in any degree Great Britain for the ſacrifices ſhe would make in the ceſſion of her acquiſitions, while, in the other, has been offered to France for the ſame purpoſe a fair and ample equivalent.

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The terms of pacification, then, which were diſcloſed by the two memorials, were, I contend, well warranted by the comparative ſituation of Great Britain and France, were ſuch as miniſters were in duty bound to propoſe, and France herſelf was intereſted to accept. But whatever might have been the opinion of the Executive Directory reſpecting them, however diſproportionate it might have thought them to that ſituation, or injurious in their effects to the welfare of France, their ſubſequent conduct admits ſurely neither of apology nor extenuation. After the Engliſh miniſter had expreſsly ſtated in the note with which the memorials were accompanied, that he was ready to enter into every explanation, either by diſcuſſing the propoſitions of the court of London, or any counter project * which ſhould be tranſmitted to him on the part of the Executive Directory; without condeſcending to participate in ſuch diſcuſſion, or to bring forward any propoſal of its own, the French government demanded of Lord Malmeſbury, that he ſhould declare the final terms to which his court would ultimately accede. A demand ſo contrary to diplomatic forms, to eſtabliſhed uſage, and to common reaſon, "in its nature ſo prepoſterous, and in its execution ſo impracticable," needs not a detailed expoſal. It is ſufficient to obſerve only, that it furniſhes a full proof of the ſenſe in which the Directory underſtood the propoſitions contained in the two memorials. It proves, that even in their view they did not conſider them as final and irrevocable, but that they were open to modification. If they had not ſo conſidered them,

* It ſhould be obſerved, that the diſuniting Belgium from France was ſtated by Lord Malmeſbury to M. Delacroix, as a *ſine qua non*, from which his Britannic Majeſty would not depart. But he intimated, that, if France could in a *contre projet* point out a practicable and adequate modification, keeping in view, that the Netherlands muſt not be French, ſuch a propoſal might be taken into conſideration.

the demand of an ultimatum, reſpecting that which they knew could not be varied from, was no leſs inſulting than ridiculous. But with this underſtanding as to the terms offered by the court of London, and with an invitation to deliver a counter project on their own part, with what appearance of reaſon is it, that they aſſign as a juſtification of the abſolute rupture of the negotiation, the harſh and exorbitant conditions of the Engliſh propoſals?

The event of Lord Malmeſbury's refuſal to comply with this requeſt is unfortunately too notorious.—He was ordered to depart from Paris in eight and forty hours; and an intimation was given him, that the Directory was ready to follow the negotiations by the reciprocal channel of couriers. But, with whatever regret and whatever diſappointment we may be inſpired on thus beholding the ſalutary intentions of miniſters, and our own fond hopes, ſo ſuddenly fruſtrated, I know not a ſtep which could have been taken on the part of France ſo calculated to excite in us a firm determination to proſecute the war with additional vigour, and more confirmed deciſion, than the complete expoſal of their ambitious deſigns, which her rulers unequivocally avowed in the ſame note by which they diſmiſſed the Britiſh plenipotentiary from Paris. In that note they again avow a poſitive refuſal to conſent to the alienation of the exiſting territories of France; that is to ſay, to the ceſſion either of what ſhe has loſt, or what ſhe has acquired during the preſent conteſt, under the ſame pretence which they announced to Mr. Wickham in the ſpring of laſt year, and the futility of which has already been expoſed; except that to the former impediment of their conſtitutional code, are added the obſtacles of ſecret treaties and private ſtipulations. And here, if our attention was not rivetted on this moſt

moſt flagrant proof of overbearing ambition, we ſhould have occaſion to admire a notable inſtannce, on the one hand, of conſummate duplicity, and, on the other, of invincible preverſeneſs. It may be remembered, that, after repeated evaſions and delay, the Directory, at length, made a formal acknowledgement of the principle of reciprocal compenſation, as the baſis of the intended negotiation. But this acknowledgement, it now appears, was feigned, as well as forced. The determination that no propoſals could be liſtened to, which were contrary to the internal regulations of France, had never, in fact, been abandoned, however it might be concealed from view, and diſclaimed by implication. It was adhered to at the very inſtant when an admiſſion, on the faith of which alone his Majeſty was induced to bring forward ſpecific propoſals—when an admiſſion of a baſis totally inconſiſtent with it was made without any qualification or reſerve, without any exception of the exiſting laws or ſecret treaties of France. It may be remembered alſo, that, on the firſt overtures being made through the intervention of the Daniſh miniſter, the French government peremptorily refuſed to treat through an intermediate channel, and required a perſon to be ſent who ſhould be furniſhed with full powers and official papers. When a perſon in this capacity was ſent, in conformity to their wiſhes, and before his preſence was ſtrictly neceſſary, they teſtified much diſpleaſure at his having ſuch frequent recourſe to the advice of his court, on occaſions wherein ſuch advice was indiſpenſably neceſſary, the arrangement that is to ſay of preliminary matters. But no ſooner was that arrangement completed, a groundwork of proceeding agreed upon, ſpecific propoſitions given in, and the period arrived at which the preſence of a miniſter was more particularly requiſite, in order to enter into a diſcuſ-

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ſion of the important concerns in diſpute, than they took offence at the former object of their demand, and required every queſtion and anſwer of explanation to be communicated through the before reprobated intervention of couriers.

But the extraordinary diſmiſſal of Lord Malmeſbury, I again repeat, in a ſecondary light, is not without its uſe to Great Britain. It furniſhes us with a clue by which the diſinclination of the French government for peace throughout all the advances of his Britannic Majeſty is completely developed. It leaves nothing doubtful, nothing uncertain. It confirms former circumſtances of ſuſpicion, if confirmation was wanting; it completes the weight of other evidence, if that evidence was defective. Whatever diſpoſition there may be in ſome to contraſt to their diſadvantage the conduct of his Majeſty's miniſters with that of their enemies, to condemn the ſuppoſed weak conduct of the one, and to admire the ſuppoſed magnanimous policy of the other; this abrupt and unjuſtifiable meaſure has not found one apologiſt in either Houſe of Parliament, nor will find, I truſt, one advocate throughout the iſland of Great Britain.

It is of ſervice alſo in a more important point of view.—Whatever may have been the opinion of ſome reſpecting the juſtice and neceſſity of the war in its earlier ſtages; that juſtice and neceſſity, it ſhould ſeem, can no longer appear doubtful at this period, after every amicable advance has been rejected on the part of the enemy. On the merits of its continuance, and the propriety of undaunted perſeverance and vigorous exertions there ought ſurely now to be no difference of opinion. The gentlemen in oppoſition, when on former occaſions they reprobated the longer duration of the conteſt, and urged the policy of ſetting on foot a negotiation, gave, in the face of Parliament, and of their country, a ſolemn pledge, that, in the

event of a negotiation proving abortive through the ambition of France, they would zealouſly unite in ſupport of thoſe efforts by which alone the enemy could be compelled to aſſent to juſt and equitable terms. It has been with concern, I might, perhaps, add with indignation, that moderate and impartial men have ſeen, in the diſcuſſion which has taken place in parliament on the ſubject, no inclination in thoſe gentlemen to fulfill their plighted engagements. Notwithſtanding no direct defence of the unprovoked rupture of the negotiation was attempted; yet to the addreſs, which aſſured his Majeſty of the reſolution of Parliament, in conſequence of it, to ſupport him with conſtancy and zeal through the unavoidable prolongation of hoſtilities, objections were made, and an amendment was moved, grounded on the ſuppoſed inſincerity of miniſters, and an alledged exorbitancy of their propoſals.

The firſt charge reſted on vague aſſertion, without the ſemblance of probability or of proof. The latter, as far as it was ſupported by reaſoning, gave the public an unfavourable opinion only of the firmneſs and ſpirit with which thoſe gentlemen, if in office at the criſis of pacification, would reſiſt the haughtineſs of French pretenſion and the demands of republican ambition. Such charitable accommodation towards the enemy, and rigourous impartiality in reſpect of their country, ſeemed to prognoſticate, that, if the management of affairs ſhould be intruſted to them, they would purſue the ſame conduct which an oppoſition recently inveſted with power, under ſimilar circumſtances, has generally followed; that they would, perhaps, in their warmth of generoſity, and eagerneſs of conceſſion, conclude a peace not to be honoured even by compariſon with the treaties of Utrecht or of Paris.

But

But great as have unqueſtionably been our diſappointment and regret on the unfavourable iſſue of the negotiation, we have yet no reaſon to deſpair.—Compared with our proud and inſulting foe, we ſtand indeed on high ground. His deſperate attack on the ſiſter kingdom has happily been fruſtrated; and the circumſtances which, perhaps, more immediately led to the ignominious inſult on the Engliſh ambaſſador have not anſwered his expectations. The Emperor has refuſed to liſten to overtures for a ſeparate peace, and the death of Catherine has cauſed no alteration in the political ſyſtem of Ruſſia. I will not ſay any thing on the ſubject of French reſources; anomalous and unprecedented as they are, they ſeem to mock the certainty of calculation, and to defy preciſion of inquiry. But that they are nearly exhauſted, and that the diſtreſſes of France are as deplorable as imagination can conceive, may, I think, be fairly preſumed, from the official communication of the Executive Directory to the council of five hunhundred: for either the facts contained in that communication are correct, or we muſt ſuppoſe, what is ſurely impoſſible, that the functionaries of a Republican government make no ſcruple of boldly impoſing on the legiſlative aſſembly by public falſehood, for the purpoſe of carrying ſome favourite meaſure, or gratifying ſome private intereſt.

The finances of Great Britain, though reduced to a temporary depreciation, ariſing partly from the demand of money to ſupply the exigencies of government, and partly from the inadequacy of a circulating medium to meet the wants of an increaſing commerce, are far from being in ſuch a lamentable condition. The taxes, which have been raiſed to pay the intereſt of a large addition of debt have been ſo judiciouſly laid on, that, great as they are, they preſs, I believe, with

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no grievous burden on the lower claſſes of the people. To meet this great augmentation of annual charge our means are ſufficiently large. As long as there remains a ſurplus, after the deduction of every expence, in the income of a nation, to add to its productive capital, the wealth of that nation muſt be in a courſe of proportionate increaſe. It is ſuch a ſurplus perpetually ariſing which has enabled Great Britain to ſuſtain a quantity of debt formerly thought to be inſupportable. It is ſuch a ſurplus on which we calculate at preſent. Comparing the amount of it of late years, as far as it can be aſcertained by thoſe circumſtances which are the beſt evidence of it, with the addition of the annual intereſt of debt during the ſame period, it will be found that the former is in a much greater ratio than the latter. There has taken place, it will be ſeen, in the enlarged magnitude of yearly charge, which, in fact, is the only perceptible effect of public debt, a more than correſponding ability to defray it; and conſequently, large as may be the expence which we have incurred in the courſe of the preſent war, there is not, however, on this view of the growing proſperity of the country, any cauſe of ſerious apprehenſion as to the future.

But this is a ſubject on which I profeſs not to enter into the particulars. We are in that ſituation that circumſtances of temporary difficulty ought not to diſcourage us; to abate our ardour, or to ſlacken our efforts. Though it be not a ſituation of deſpair, yet it is a ſituation which admits not of unconcern, and will not juſtify remiſſneſs. The queſtion is, I ſtate it not unfairly, whether, after every endeavour made for the re-eſtabliſhment of peace, and an arrogant rejection of every overture, Great Britain, with reſources ſtill unimpaired in ſubſtance, though labouring under the weight of temporary difficulties, with a commerce diffuſed over every quarter of the globe, and little crippled by the adverſe

chances of war, with a navy far more numerous and formidable than in any period of her hiſtory; whether, with ſuch advantages, Great Britain ſhall make an almoſt unconditional ſubmiſſion to France, whoſe regular finances are exhauſted, whoſe marine is greatly diminiſhed, and whoſe trade is nearly annihilated? To ſuch a queſtion a ſenſe of public virtue, and national honour muſt reſolve the anſwer. But if that be the appeal we make, the anſwer doubtleſs muſt be, that it is a duty, from which we cannot recede, to proſecute, with an unanimity, a vigour, and a deciſion proportioned to the importance of the criſis, a conteſt in its origin and continuance equally juſt and unavoidable; undertaken with a view only of repelling the attacks of unprovoked aggreſſion, and prolonged only throngh the ſtubborn pride and inordinate ambition of the enemy.

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CORRESPONDENCE OF THE TWO POWERS:

As received and communicated to the Secretary of State for Foreign Affairs,

By the Right Hon. Lord MALMESBURY.

TO WHICH IS ANNEXED

THE NOTES

OF MR. WICKHAM, M. BARTHELEMI, AND COUNT DE WEDEL JARLSBERG;

AND

THE DECLARATION

OF

HIS BRITANNICK MAJESTY.

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